

**An appendix to Pratt's edition of trial of James Evans, containing a refutation of the erroneous statements and reports in circulation before and subsequent to the trial, observations upon the evidence produced on behalf of the prosecution, and facts and particulars relative to this mysterious case.**

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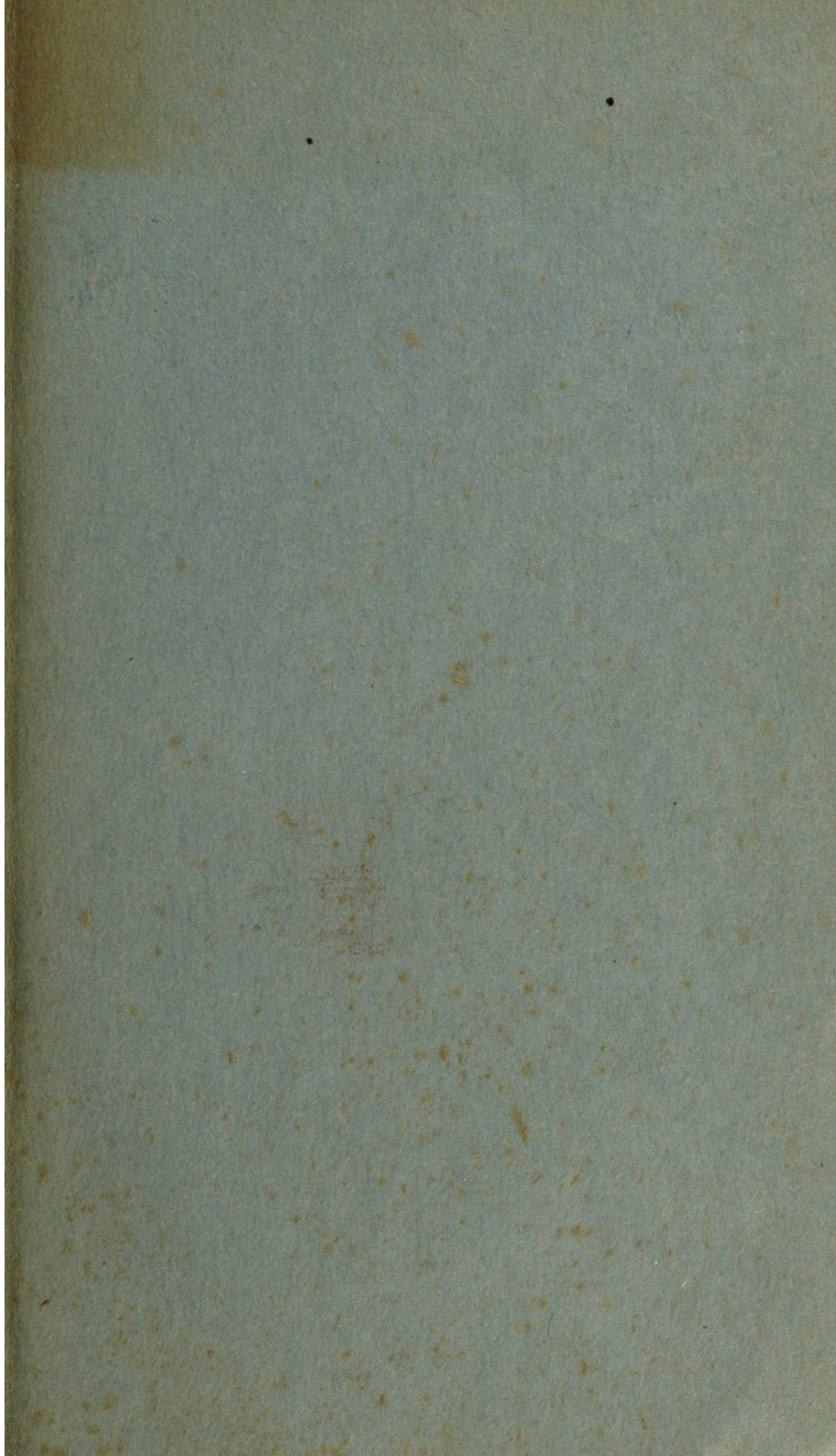
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# Appendix

To PRATT'S *Edition*

OF THE TRIAL OF JAMES EVANS,

CONTAINING

*A Refutation of the erroneous Statements and Reports*  
In circulation

Before and subsequent to the Trial,

OBSERVATIONS UPON THE EVIDENCE PRODUCED ON  
BEHALF OF THE PROSECUTION,

AND

*Facts and Particulars*

Relative to this mysterious Case.

*Pratt*

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### ERRATA.

\* Page 72, line 30, for "It was quite stiff," read—A. *It was quite supple.*—†Page 41, line 18, for "The gentleman brought," &c. read, *the gentleman BOUGHT,* &c. And in page 43, line 17, for *rucks,* read **BOOKS.**

# *An Appendix*

## TO THE TRIAL OF JAMES EVANS.



FINDING that many groundless reports have been circulated to my prejudice by secret and open enemies, with a peculiar degree of art and malignity, I feel myself called upon, in self-defence, contrary to my original intention, to appeal to the candour and better judgment of the public; and by this appeal, to entreat a due attention to a plain narrative of facts, rather than the calumnies that gave rise to my imprisonment and which occasioned my subsequent misfortunes. Conscious of my innocence, my original resolution was to bear my oppressive wrongs in silence; but the inveteracy with which malignant misrepresentation has pursued me, lays me under the unavoidable necessity of vindicating my character. In fact, I have no other alternative than that of becoming for ever an outcast of society.

I lament that the Press and the Police have been so actively and bitterly engaged against me; but I trust that both will soon become convinced of the injustice with which I have been treated.

First as to the PRESS.—In the MANCHESTER GAZETTE of the 18th. of February last, I find amongst other things the following article of intelligence:—"On Tuesday, "the day after the conclusion of the Coroner's Inquest, "Evans's legal adviser was with him in the *presence* of "Mr. Lavender, when he took occasion to pick a quarrel "with the latter gentlemen for having taken him up, as "he termed it, without the least reason, and it was with "some difficulty that his legal advisers (Messrs. Foulkes "and Sons) could keep him from an open rupture with "Mr. Lavender."

I complain of this as a gross misrepresentation of what actually did occur. It is true that my Solicitors and my Father were permitted to see me on the subject of my defence, with the concurrence of the Deputy Constable, *but not in his presence.* While I was engaged with them,

as may be supposed importantly, on that occasion, this officer came into the room, followed by a crowd of spectators, and said, "Well, Evans, you must get ready to go to Lancaster in the morning." I then asked him if he had made the enquiries according to my request. To this question he replied, that he had not; for it was not his business. This conduct, aggravated by the manifest indecency and want of feeling displayed in his bringing such a crowd to gaze at me, naturally excited some indignation in me, and I said: "Mr. Lavender, I am your prisoner, but you have no right to exhibit me publicly in this manner, as if I were a wild beast. This is the fifth or sixth time you have done the same thing. If you had made the enquiries I asked you, it would have been more consistent with your duty;" or words to that effect.

I pledge myself that this is the substance of all that passed; and, if required, I will prove that it is so not only by the testimony of my Solicitors and my Father, but by that of several of the very crowd, who were present at the interview. I offered no other violence, and I am therefore amazed it should be said "I took occasion to pick a quarrel with him *for having taken me up, as I termed it.*" No such expression was used, or even hinted at, but how far I had reason to complain on that occasion I shall leave to the feelings of others: it was at least playing with, or in other words, insulting those of the unfortunate, for the purpose of gratifying an idle and cruel curiosity, of which some of the persons seemed to be fully aware, since they shrunk back as if convinced of its indelicacy towards one in my then dreadful situation. As to the Deputy Constable's being in danger but for the interference of my Solicitors, it is unworthy of observation.

In the *GUARDIAN*\* paper of the same date, it is stated in effect, that *I refused* to walk from the prison to the

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\* I cannot refrain from mentioning here a curious circumstance in the conduct of one of the printers of this paper. A short time before I was taken into custody, and while I was answering a question which Mr. Lavender thought proper to put, a person present said that he had been following me, and watching my motions for some time. This individual also thought proper to put a

Star Coach Office,—that I said the officer might carry me, and that it was by a mixture of force and entreaties that Kilbie, the beadle, got me to meet the coach at the bridge,—that I grumbled at the weight of irons put upon me, and ascribed it to the spite of the officer that I was so loaded,—that I abused Kilbie nearly all the way to Lancaster,—that on our arrival I peremptorily refused to walk up to the Castle, although Kilbie said there were no hackney coaches in the town,—and that I declared I would stay in the street all day rather than stir a foot, &c.

Now the whole of these statements is incorrect; except, indeed, that I complained of the weight of irons which were put upon me, and which, as I then said, and still believe, were heavier than necessary; but whether this circumstance arose out of a zealous discharge of duty, or out of spleen, I must leave every reader to judge for himself. In point of fact, I was incapable of walking without assistance, in consequence of the manner in which I was fettered!

In other papers it is alleged that I called for and drank brandy at every place at which the coach stopped. So far from this being the case, the only refreshment which I received on the road was a glass of ale at Bolton, and the share of a pint of ale with Kilbie at Preston. On the road I neither drank brandy, nor even asked for that liquor. When we arrived at Lancaster, he took me to the Coach and Horses, in China-lane, where I had one egg, with the share of a pint of ale along with Kilbie; we had a second pint of which I drank only one glass. I then went with him to the Castle. I had neither quarrel nor dispute with Kilbie, who promised to say nothing but what was right on my trial. I own that the irons were more than I could

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*question*, and, having received a reply, he asked, in a very self-important manner, "Do you know who *I* am?" I answered No: when Mr. Lavender informed me that it was Mr. *Jeremiah Garnet*, of the Guardian office!—What part of my motions, or exertions to save the property from destruction, had given rise to a suspicion in the mind of that individual that I was the guilty person, I am unable to say; but I certainly think that his interference, and his manner altogether, on that occasion, bore a much stronger appearance of innate officiousness, and a striking want of prudence and consideration, than of any other feeling which I can call to mind at this moment.



bear—they were the largest they had, (as Kilbie said) and were brought according to *the orders* he had received.—I refer the reader to an examination (see *Addenda* No. 1,) of several persons as to what passed at Lancaster.

With regard to some statements which were made in another Manchester paper, I shall decline entering into any observations upon them, for reasons that will hereafter appear.—Having noticed *some* of the *many* misrepresentations which were published before my trial, I have to complain of the cruelty and injustice of subsequent publications.

Here I would premise that there are certain limits set to the liberty of the press, beyond which no editor has any right to transgress, however anxious he may be for the free exercise of public discussion. While I readily admit that the press should labour under no restraint, when propriety calls for its aid; yet I feel convinced that every liberal mind must condemn as grossly uncharitable, the greater part of the remarks which have been published with reference to the result of my trial. The expression of any public opinion upon a case previous to its being laid before a jury, is universally acknowledged to be unjust, and that for obvious reasons. But when a charge has been completely investigated; when a jury, in defiance of every prejudice, and before the defence has been fully heard, has acquitted the accused of the alledged crime, any animadversions on their verdict are undoubtedly a wanton abuse of the liberty of the press, and a daring libel on the *law*, the judge and the jury. As regards myself such conduct is unwarrantable and highly infamous; for it is still an attempt to hold me up to the world as guilty of that offence of which a jury of my country has pronounced me innocent. With this malevolent and cruel intention it has been said, that my acquittal occasioned both surprise and dissatisfaction in Manchester. If this be true, it can only be attributed to the misrepresentations to which I have been subjected by the press. I may with great propriety ask, what right any one had to be displeased at the result of my trial, when after an impartial investigation of the charge against me, I had been pronounced innocent of the crime, though every means that industry and experience could suggest had been resorted

to, in order to substantiate it. Because the death of Mr. Price still remains a mystery with some part of the world, is that any reason or just cause why it should be cleared up at the expense of one, who has been declared by a jury to have had no participation in it whatever?—Can this be called tempering justice with mercy, or rather, is it either law, justice, or humanity?—If after an acquittal, I am still to be subject to such public aspersions and charges of guilt, it would appear that my life has been saved only that my existence may be rendered miserable; and in order to justify such an outrage a singular specimen of reasoning has been displayed.

It was stated in my Defence (as will be seen in Pratt's report of the Trial) that Mr. Price was seen by FIVE witnesses at several times of the day, which was a most important fact in evidence, as shewing the incorrectness and vagueness of Mary Price's testimony, and clearly demonstrating that murder could *not* have been committed in the two first intervals of her absence. How do my prosecutors attempt to meet this part of the case? Why, first, by bringing forward on the Trial three or four persons to prove *that they did not* see Mr. Price on that day! As if, forsooth, any quantity of negative evidence was sufficient to overcome affirmative evidence! Surely, in this country, I need not say if a thousand persons stated that they *did* NOT see Mr. Price during that day, even such a cloud would not weigh a tittle against the evidence of *one* who had seen him. The attempt reminds me of a story told of an Irishman, charged on the oath of *one* witness with sheep stealing, and on being asked what he had to say for himself, answered—"Why please your Worship, only *one* witness appears against me; I can produce *five* hundred that never saw me touch the sheep!" Never was levity farther removed from my mind than at the present moment. Aspersed, vilified and calumniated as I am, no other consideration would have induced me to relate this well-known anecdote, than that it affords the strongest illustration of this part of my own case.

Another effort, and of a similar nature, is liable to the same objection, and I have a right to complain that it is far more cruel and uncharitable: I mean the impeachment of the evidence of Mrs. Mary Nelson, one of the four wit-

nesses adduced in my defence. With this intention Mr. William Gibson, Junior, was re-called and examined, when he said that "his father was in the back committee-room "all the time the committee sat; he was *never out* of the "office from a quarter-past twelve till a quarter-past one. "Witness was in the front-office, and the committee and his "father in the back-office, *but there is no way out of the "back office except through the front-office."*

This evidence deserves attention. By an examination of the premises it will be perceived that there are no fewer than **THREE separate doors**, through which he might have passed. How happens it that this witness did not specify the difference between *one* and **THREE** distinct passages? On this point he was closely pressed by Mr. Williams, but remaining silent, Mr. Justice Bailey put the following forcible question, to which *no* answer was returned:—"Then, you will not swear that your father might not have "gone out without your perceiving him?" But be that as it may, is he a witness that will stand any comparison with Mrs. Nelson's evidence, fortified by such a chain of events set forth in her letter (see *Addenda No. 2,*) that make it impossible for her to be mistaken. She could have no bias or leaning towards me; for I was up to the day of the trial an utter stranger to her--I had never seen or spoken to her before—but it has been publicly stated by Mr. Wm. Gibson, senr. that he had *not* seen Mr. Price that day, and that he was engaged with the committee during the period above stated by his Son.\* Now, what is the difference in point of time between Mrs. Nelson's and the two Gibson's statements? She said that when she saw Mr. Price, it was from a *quarter* to ten minutes of one, to the best of her knowledge. She does not, therefore, speak *positively* to the precise moment. She gave it as the **BEST** calculation she could make, and how difficult it is (unless her attention had *then* been called to the time) to speak with precise certainty

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\*May I not ask, though I lay no stress upon the point, how did Mr. Price *first enter his warehouse* without having been seen by some *one* at least of the several attentive observers, who represented that if Mr. Price had been at the warehouse in the forenoon, they *must* have seen him? It is not doubted for a moment that he was there, and the reader ought to be aware that there is no back entrance.

of the passing events of any day? It is admitted that until half-past twelve Mr. William Gibson *might have been, and no doubt was more than once, in the lobby*, and although Mr. Price was there Mr. Gibson might *not* have noticed him, being a matter which at that time would not attract his notice, or make any lasting impression for the reasons given in Mrs. Nelson's letter just referred to. Besides, Mr. Gibson's mind must have been, at such a time, much engaged; for it was the day of the annual auditing of his accounts, which had been required to be forthwith sent to London. The common and passing events of the place must, therefore, be of *little* consequence to a person thus occupied. Reader, judge of these things by a fair comparison of the two classes of witnesses, and of the facts supporting them. However, for the sake of argument, let us take Mrs. Nelson's evidence out of the case. Is not the existence of Mr. Price, between twelve and one o'clock, sufficiently proved by the irresistible evidence of two other witnesses, with whom I had no acquaintance, (I mean Mr. *James Hardman*, in the service of Messrs. Gallimore, Liddel and Co., and *David Henry*, servant to Mr. Radford, surgeon,) both of whom *positively* swore to having seen him in that interval of time?—Can there be any doubt of the facts stated by either of those witnesses? I defy all inquiry or malice to prove any.

Why these two witnesses were not taken before the Coroner, is a question that deserves some rational account to be given. The first went with the Boroughreeve and communicated what he had to say to Mr. Thomas Hudson, who said that Mr. Lavender would probably send for him; and the second (David Henry) actually saw the Deputy Constable, who took down a *minute of his statement in his pocket book*, and said, he would send for him if he were wanted. The same thing was said to Mr. John Jackson, collecting clerk to Widow Clegg and Co., who went to the Police Office, and stated that he had called for a small account between half-past ten and eleven o'clock, when Mr. Price came half way down the stair case from the upper rooms, and desired him to call again. These indisputable facts are worthy of the most serious attention;—a placard had been posted on most of the walls of the town by the direction of the Police, requesting that

all persons who had seen Mr. Price between the hours of ten and two o'clock, would make an immediate communication of the same. In consequence of this placard, the three persons above-mentioned, tendered their evidence but were not called upon. Allow me to ask what the Police intended by that placard? Was it important to ascertain whether Mr. Price were alive or not, or rather, was it not the *very essence* of importance to ascertain that fact? Surely—surely it was; yet, we find the Deputy Constable pocketed the information given by two of them, and never sent for any of the three persons to attend the Coroner's Jury—"If I want you, (said the Constable to two of them) I will send for you."

In a case of such vast importance to the administration of public justice as this, where every bearing of the evidence both for and against the accused, is or ought to be of equal consideration, why did he not send for them on the inquest or the trial? They gave information with respect to the very facts which the hand-bills professed to require; facts, which went to the vitals of the case, and yet they were not called! Was it consistent with the duty of an officer of justice, in such a case, to withhold any evidence that could possibly throw such powerful light upon the subject? was it right to keep the Jury completely in the dark, and suffer them upon their oaths to find a *verdict of wilful murder against me*, under the presumption that Mr. Price had come to his death in one of the *two* intervals before-mentioned? If constables are at *liberty* to exercise their *own discretion* in such cases, the consequences I fear might be awful. Suppose that I (by the exertions of my friends) had NOT been able to discover these witnesses *in due time*, and that a verdict had passed against me, in the *presence of the same Deputy Constable for want of that very evidence which he could have furnished*, what would have been his situation? Would he have been guilty of any known offence against the law? I am unable to answer that question; which naturally arises out of the circumstances of the case. Of a culpability in a moral point of view, there can be less hesitation in pronouncing an opinion. It may not, however, be amiss to put another question. Suppose that if this exculpatory evidence had been adduced on the coro-

ner's inquest, is it not fair to suppose that what convinced a jury at Lancaster would have satisfied a coroner's jury? If so, I should not, in all probability, have been committed to the Assizes, and placed in the awful predicament in which I was involved by the neglect, wilful or unintentional, of producing these witnesses. Taking this as a probable or reasonable result, may I not complain that my subsequent imprisonment and sufferings are the consequences of the suppression of their evidence? Perhaps the Deputy Constable thought, using his own language to me in the cell, that "it was no part of his duty." With all due deference to this opinion, I think that it was his duty to bring forward every evidence relating directly to the case, whatever might have been its criminatory or exculpatory tendency. The law never contemplated the investment of an inferior peace-officer with any discretionary power of the kind.

On this subject, so material for the purposes of *impartial* justice, I shall say no more; but must observe, that on the trial (as if determined that nothing on *one* side should be left undone) William Worthington, the beadle, was examined to prove that I had declared to him, in the Police Office, that "*if I had thought of this* the day before, I would have been in another part of the world before then," by which it was insinuated that I meant to fly from the charge. Can an impartial mind come to such a conclusion? If that conversation had passed (which I deny) such a construction could not have been put upon it. Is it likely that I should have thus admitted my guilt, *at such a place, and to such men* as beadles, when I had from first to last asserted and maintained my innocence? But if I had really been guilty of such a piece of inconsistency, how came this very *important* witness not to be examined before the Coroner? He was at the inquest from day to day, but not examined! Let my enemies explain this if they can.

A third expedient has been employed for the purpose of overwhelming me with the imputation of guilt; but I am glad to say that unjustifiable as the mere attempts to criminate me are, the arguments (if they may be so termed) by which the experiment is made, are both inconclusive and futile.

In one of the public papers it is said, after stating that cir-

cumstantial evidence is often *insufficient*, & that unless such evidence be received, ninety-nine murderers out of a hundred would escape with impunity. I would here ask if it be meant by this to be inferred that when circumstantial evidence is insufficient, the defect is to be supplied by the prejudices, or private opinions of the jury? This appears to me to be the meaning of the writer. Afterwards an attempt was made to create a distinction, which the Scotch law allows, between an acquittal grounded upon a complete conviction of the innocence of the party, and one arising from deficiency in the proof of his criminality. This, I call a species of sophistry; or a distinction without a difference. In justice there ought not to be any such distinction; for it is upon *competent evidence alone* that a man ought to be convicted, and when any evidence is wanting, by the same rule, it is but right that he should be acquitted. *Evidence*, we are told, *condemns*, and the *want of evidence acquits*. In cases where circumstantial testimony is all that can be obtained, it is as possible, and as *equally probable*, that the innocent man shall be unable satisfactorily to establish his innocence as it is that the guilty man shall escape for want of proof. So that the distinction attempted to be made in my case, between a verdict of *not guilty*, and one of *not proven*, is one which may, while it in no manner affects the really criminal, inflict foul injustice upon the innocent. I must, therefore, repeat, that unless a man be pronounced guilty by his peers he must, and ought to be considered in society, as *innocent*. No man has a better mode of establishing his innocence than by the *verdict of a jury*; why, then, should I still be held up to the world as guilty? Is it not the height of cruelty and oppression?

I have received a letter (see *Addenda No. 3.*) which affords me some consolation, though the writer considers me as still implicated by the force of prejudice, notwithstanding my acquittal. I agree with him and lament the truth of this observation. But this is a digression from which I take leave to return to the subject, in order to ascertain step by step, how far the charge was sustained; how far it was answered; and how far the case was decided upon its merits alone. That is the question upon the importance of which no observation is requisite. I court the investiga-

tion, and desire my reinstatement in the good opinion of the world on no other terms,—not merely on any gap in the proof for the prosecution, but on the sufficiency and integrity of the defence; that is the test upon which I mean to stand or fall in public estimation.

Having made these observations, I beg the reader, after a perusal of the report of my trial, to bear in mind, that I was charged with having committed murder without any *assignable motive*; a murder from which I could gain no advantage, and by which I could gratify no motives of malice or malignity. On the contrary, I must inevitably, by Mr. Price's death, be a sufferer (as shewn in page 58 of the report) in a variety of ways. No man will commit murder at *the hazard of his own life*, except for some mercenary or selfish purposes: I shall not, however, trouble the reader with any farther observations on this point, but refer him to my defence.

With respect to the witnesses who were called against me, I shall have occasion to notice some of them: and first as to Mr. HUGH GREAVES, who is the occupier of the adjoining warehouse, and of the cock-loft over Mr. Price's. He certainly gave a notable piece of evidence: he stated that he had been up stairs and found his cock-loft so full of smoke, that he could not enter it, and then came down and stood on the outward steps watching my entrance into the square; and although he was standing still, doing nothing except viewing the crowd, he thought fit to look upon my surprise as a species of indifference. But on my first entrance I felt shocked at the sight, and viewed it with horror; but after that had subsided, I made all the haste I could into the warehouse and did all that man could do to preserve my master's books, papers, &c. from destruction. Were I disposed to retort upon Mr. Greaves, I might have said to him, "*Good sir, you seem to take things very coolly—standing on the street steps when your property in the cock-loft is burning for any thing you know! Why instead of idly gazing in the square do you not attend to your own affairs above?*"—Men are often alive to the faults of others, although blind to their own. With this seasonable recollection I shall leave Mr. Greaves to reflect on the distinction between beckoning at, and hailing, a man for the first lesson; and for his second on the importance



of a good memory to enable a witness to be consistent in his evidence on all occasions, for tripping or varying in many material respects *looks awkward* in a court of justice.

The next witness whose account claims attention, is that of KILBIE, the beadle, (page 31 of the report) who stated that "he saw blood on one of the pieces and told James Battye to take it to another room; that he put his hands into the water on the floor and found there was a quantity of blood, in a congealed state, and that *as far as he could judge*, there were about two pounds:" and on his cross-examination he admitted that there was a quantity of brains in the blood, and that he had not weighed it; yet we afterwards find the surgeons ventured to consider Mr. Price as murdered from the mere quantity of blood described by Kilbie, but not weighed by any one. It was therefore a mere conjecture of that Beadle, upon whose accuracy the evidence of Mr. Price's being alive when struck, solely depended. Why was it not weighed, or shewn to the surgeons? It certainly would have been a material feature in leading to a discovery of the cause of death. There could be no just reason for neglecting either one or the other: as to scales and weights, they were at hand on the premises; or at most very readily to be procured. But it would seem it was more convenient to leave the matter in the hands of a beadle, than to expose it to the faculty or to any test as to quality or quantity. What portion of brain or lymph was mixed with the blood, Kilbie (with all his experience) could not pretend to determine. Yet upon his statement you find surgical opinions were collected for the purposes of the case.

In page 33 occurs the evidence of MR. CHARLES GRESWELL, house Surgeon at the Manchester Infirmary. This gentleman having said that he had heard the account given by Kilbie, was asked whether IF such a *quantity of blood* had flowed from the wound, he could say that Mr. Price was alive when the blow was inflicted? He answered, (and mind his language) that "from the *quantity* of blood "he formed his opinion, and he thought Mr. Price must have "been alive;" although he had just before stated that he could *not*, from the appearance of the wounds alone, say whether Mr. Price were alive or dead. On being further

examined by the learned Judge, Mr. Greswell admitted (in page 34) that "if it were not for the quantity of blood described by Kilbie, he should still think that Mr. Price had died from suffocation,"—"and that on Saturday the 4th. of February he got the axe of one of the Norwich Union firemen and compared it with the mortal wound, when he found they exactly corresponded!" Could any thing be more satisfactory than the testimony of this gentleman upon such a point, especially when connected with the observations and enquiries made by Dr. Bardsley, Mr. Ransome, and other medical gentlemen in attendance when the body was first taken and inspected at the Infirmary?

After Mr. Greswell, two other surgeons were called, with a view of counteracting the effect of that gentleman's original evidence before the Coroner, with respect to the comparison which he had made between the fireman's axe and the fracture on the head, when he found *that they fitted each other*. This testimony, it appears, did not suit the purposes of some of my prosecutors. Mr. Greswell was quite sufficient on the first and second days, but *after* that observation had been made, we find Mr. Jordan attending to give an opinion, although he had *not* examined the body until *four days* afterwards; and consequently, had not any thing like *equal means* of forming an accurate judgment. But at the assizes I found that Mr. Robert Thorpe had been required to make further examination of other injured parts of the head, and was called upon to speak to certain portions of extravasated blood, between the scalp and the skull, but which neither of the other two had observed, and from which Mr. Thorpe boldly said, that Mr. Price died *in consequence of a blow given when alive with a blunt instrument*, thence inferring that he had been murdered. It is a singular occurrence that these three surgeons should have been so much at variance in other respects with each other—observe, the first swore the wound was produced by an *edged* instrument, the second by a *flat surface*, and the third by a *blunt instrument*. But the most material part of their testimony appears to be on an assumption to Kilbie's accuracy as to the quantity and quality of the blood, whence these gentlemen suddenly came to a conclusion that Mr. Price must have received the *fatal blow when alive and well!* But what is the result

of their cross-examinations? Why, that it is very soon admitted that "suffocation is a gradual death—that the duration of "the period before death would arrive, depends on a variety "of causes—that animation has been suspended and "restored *after long* periods, even 20 minutes or half an "hour—that blood will flow during the action of the *heart* "and *even afterwards for a short time*. (See the cross-examinations of these witnesses and reflect upon their application and effect.)

But I must here ask what becomes of their original statement and the inference intended to be drawn from it? Both sink into a mere nothing! for, if Mr. Price received the blow when down and in a suffocating state, or in other words, when animation was suspended, it was admitted even by them that extravasation would follow!—Consequently the evidence in chief (as it is called) given by the surgeons dwindles to a mere shadow! In fact, the surgeons appeared not to have considered this point before they got into the witness' box.

It has been a matter of great surprise, considering the exertions made, that the chest was not opened. I have to lament that omission; for the collapsed or turgid state of the lungs and other appearances, I am told, would have afforded powerful means of judging whether he came to his death by suffocation or not; but that was not so much the point of their enquiry! It was not their *duty* to prove *that fact!*

Under these circumstances let us enquire as to the probabilities of the case.—I shall put it hypothetically, by supposing the blows to have been inflicted when Mr. Price was alive *and upon his legs*. I would ask is it not likely that his wig would have been cut and bloody, and that his *person and dress* would also have been bloody? Is it not likely too that blood would have been scattered and sprinkled all about the spot in great profusion? I am informed that even the involuntary motion of a dying body would have produced such appearances; but instead of that, you discover from William Kilbie's account, (for which I thank him) that *all* the blood was *found JUST where the head had lain!* which, I submit, is a presumptive proof that the wound was given *after* he had fallen, and when in a state of suffocation.

On the trial, I fully expected, as my solicitors had given notice to that effect, that Mr. Price's wig, and all his clothes and linen would have been produced,\* but I was deceived in that respect; for the Deputy Constable took especial care not to produce a single article of his dress. Why so? If their production, or that of the Norwich Union firemen, would have served the prosecution, I strongly suspect they would have been forthcoming. It is, however, ascertained, beyond the power of contradiction, that the wig was *neither* injured nor bloody, and that Mr. Price's *hands, waistcoat, linen and trowsers* were also unstained with blood; which, in my humble opinion, is a powerful, if not conclusive evidence on this point.

I wish to notice one part of *Mr. Bird's* evidence, which has been misrepresented in the report of my trial, (page 72) viz: "that the body when carried to the Infirmary was quite STIFF;"† whereas the expression used was "that it was *quite supple*," which makes an important difference; for by the latter account we are bound to infer that death had *recently* taken place. In fact, it was a matter of discussion whether symptoms of life had not been observed, and in consequence of which the body was taken to the Infirmary.

Let it not be supposed that I say Mr. Price retained in reality any particle of life—all I contend for is, (subject to the judgment of others) that as the body was *quite supple*, death must have been of a *very recent date*.—It could not possibly have taken place so far back as during *either* of the *two* intervals before alluded to—which is a powerful if not a decisive answer to the suggestions which have been industriously made, and obstinately supported against me! Such facts cannot mislead; but let every man judge for himself, for that is the only way by which he can be fairly convinced.

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\*It appears that Mr. Justice Bayley was also surprised that the clothes, of so much importance to the enquiry, were not produced. In his address to the Jury he observed, "none of the clothes of Mr. Price have been produced, which I think ought to have been, as it might probably have shewn considerable light as to the manner in which the wounds were inflicted, from the inspection of the clothes."

† It is proper to observe, that the answer is given correctly in the manuscript report of the Trial, and that this mistake occurred in the hurry of publishing.

As to what is called the third interval (about one minute) which was *after* Mary Price left the warehouse and *before* I went to dinner, I beg to call the reader's attention to page 57, where that point is fully discussed, and where it is shewn that no individual could have effected so many acts of desperation and of singular contrivance within so trifling an interval or at such a place, with the bank committee then sitting, and all the clerks in the office, within a few yards of the spot, the street door and lobby open! Surely with a knowledge of all these things, and with the absolute certainty of immediate detection directly before his eyes, no man would ever have attempted such an act. But it has been asked how spots of blood came upon my shirt, linen, and coat? As to the coat, it bore no such marks; and with respect to the neck-cloth and collar found in the green bag in my bed-room, by the deputy constable, I had not worn either of them on the Friday in question. I changed no part of my linen at dinner time, nor did I go into my bed-room, as is proved by Ann Pattison, a witness for the prosecution, (page 50) notwithstanding she had been prevailed on by an active enemy of mine to swear that "I was *five* minutes in going up stairs for a paper out of the garrat (page 48). It is worthy of remark, that she originally swore before the Coroner that I was absent only *one* minute or so: What produced this variation? The explanation which she gives, is that a certain person, on hearing her first statement, exclaimed "Pho, pho! say five minutes; that's more likely; he could not have gone up and down in one minute." As this variance in her testimony exists and was produced by such means, I shall leave others to judge how far such tutoring or tampering with witnesses and particularly of her age, can be justified.

Let us return to the question how the spots came upon the neck-cloth and collar. I am liable to a scorbutic eruption on my upper lip, and whenever I catch any cold my face generally bleeds with shaving, and such was the case on the previous Tuesday or Wednesday, when I wore the above articles, which would have been proved (if my counsel had thought it necessary) on the trial; but they declined calling that witness and a variety of others, which

I deeply regret; for I considered the *omitted* evidence as necessary to clear my refutation and enable me to bid defiance to the breath of slander!—Then, as to my shirt I am totally ignorant that it contains any marks whatever of blood. Since my arrival in Manchester, I and others have frequently applied to the Deputy Constable for the linen, which he has reported was so much stained with blood, so that they might be submitted to the public for inspection; but he has refused to give them up for some motive best known to himself. Whether he will be allowed to detain the property of others in this manner, will subsequently appear. I assisted to remove the body of Mr. Price from the spot where it lay, after which it was conveyed to the Infirmary; but in addition to that, the pieces were thrown down from the upper room to the landing and from thence carried by me and others to Mr. Brierley's warehouse— Besides, it must be borne in mind, that a Mr. Newton got his face cut, which bled freely and that he was in that room and went up and down stairs several times. It is therefore more than probable that several of the pieces and persons about received some portion of that blood. See the evidence of James Newton, in page 14.

Upon the whole, I cannot say whether these last-mentioned spots came from meddling with the body, or from the pieces, or from Mr. Newton. But this I will venture to say, that it must be a matter of surprise that I had not *more* such marks when the number of pieces which I carried on that occasion is taken into consideration.

It was stated on the trial (see page 7) that Mr. Price and I went up stairs for the purpose of *taking stock*—from which it was inferred, that we were employed in taking a *general stock* account, *which was not the case*, for that had been done so long ago as the 16th. of January preceding, *as will appear in the stock book*. Our object was *merely for the purpose of making an entry in the number book* which is called the stock book, of such pieces as had been received from the dyers during the preceding month, as will appear on a reference to that book, and about which there was no misunderstanding or dispute of any kind. This was therefore a *wilful* misrepresentation, made for the purposes of prejudice. I do affirm that there was no deficiency of stock, as will appear on a reference to the

*yearly stock book*; there it will be distinctly seen that the respective Nos. had been chequed off by *Mr. Price* and where wrong Nos. had occurred, which arises sometimes from marks not having been properly sewed in, or a multiplicity of causes which are well known to those in the same business. In such cases, at the end of the number book there is a full explanation given for that purpose, stating the No. of the piece, kind of goods, the folio in the day-book, where sold, the date, and to whom sold, with such other remarks as may be necessary for a future reference.

The next piece of cruelty which I must for ever feel and complain of, was the attempt made to mix up (upon the cross-examination of my father) a charge of forgery with that of murder. It was not opened by the learned attorney-general, or even hinted at in any part of the case against me; but notwithstanding that, questions were put of that tendency, when the learned Judge exclaimed, "Mr. Ashworth, Mr. Ashworth, that's not a *legal* question."—I have reason to lament that the examination was not permitted to go on, because my father had not the means of explaining the circumstances alluded to. It therefore becomes necessary that I should do so, or it may be supposed that I had for my *private* purposes committed a fraud or forgery upon Mr. Price—I never did any such thing!

It is true that bills were frequently drawn by Mr. Price upon John Cox, of London, and several other persons, and that he got others drawn in different names payable to himself, some of which he paid away to persons from whom he bought goods; and others which he got discounted at the Manchester banks. This species of accommodation, or paper trade was carried on for upwards of two years, and to a considerable extent—a great part of those bills are regularly entered with progressive numbers in his bill book, and the rest of them were entered at one end of the same book or nearly so. Why he had them entered at different places he never explained to me!—In consequence of the attack made upon me, I have procured, as a sample, a number of those bills, of which one for £84 4 6, and the other for £100 were paid away, and INDORSED by *Mr. Price* himself in an *accepted state*,

and in payment of his OWN DEBTS. The first was paid to I. and S. Chadwick, of Heywood, and the second to Messrs. Joseph Rowland and Sons, of Oldham. For the reader's better understanding I refer him to copies of those two bills (see No. 4, in the *Addenda*.) I have procured them for that purpose, and with the same view I had given notice to my prosecutors to produce Mr. Price's books on the trial, but which (like the clothes and linen) were never shewn. I regret the absence of both, because from them my innocence and integrity must have been completely established. Whether the acceptances and indorsements written on those bills, were genuine or not, it would not become me to say. All that I can aver is that I had no interest in any of them, as they were drawn, indorsed and paid away by Mr. Price for his own exclusive purposes. It is therefore an act of great injustice, by any ingenuity to transfer the odium of those transactions from Mr. Price's upon my shoulders. I was merely his servant on a fixed, stipulated salary, so that I had no sort of feeling or profit in any of them.

Out of respect for Mr. Price, it was by no means my wish to have said anything on this subject, but since his friends and counsel have chosen to introduce it, irrelevant to the main case as it must appear to every one, I have no other alternative. No blame ought to be attributed to me, but to those alone, who unnecessarily obtruded the matter before the public. Now, as to the bill alluded to in the cross examination, it was one of the above description for twenty, pounds which had passed through a Manchester bank. One of the partners of that bank a short time after its presentation made some observations upon it, and then shewed it to a friend of Mr. Price's, who came to apprise him of what had taken place, and that a visit was intended. Afterwards the banker and this gentleman came to the warehouse; but in the mean time, Mr. Price desired me to take the transaction as my own when the banker and his friend should arrive. To this I unwisely agreed; and in order to make the appearances more plausible Mr. Price actually *borrowed* the sum of money, for which the bill was drawn, *from my father*, that he might take it up. This sum (twenty pounds) he shortly afterwards returned. In this concession to Mr. Price's wishes I was actuated



by no personal motives as regarding myself; all I wished was to save the feelings and character of that gentleman. How far I have been requited for this act of friendship without any possible interest, the public are best enabled to judge.

I cannot avoid, in justification of myself, pursuing the subject, which is so unpleasantly forced upon me. It has been surmised that Mr. Price was in affluent circumstances, but in point of fact, his positive capital was very limited in comparison with the extent of business which he followed. This made him poor as regards *ready-money*, and induced, or rather compelled him to resort to that species of finance, which to me must ever be a cause of lamentation. Then allow me to suppose Mr. Price to have different debts, which he had not the means of paying; his creditors pressing & clamorous; that he had endeavoured in vain to borrow money; that he had a large quantity of goods on hand, without a prospect of sale; so that his stock would be an incumbrance more than available property. Taking that view of things, it is clear that the late destruction of paper currency made it impossible under existing circumstances to expect relief from any species of accommodation paper. For several weeks afterwards Mr. Price was frequently applied to for payment of different sums, therefore he desired the parties to call again. This caused them to be more pressing, and every day added impatience on one hand and distress of mind on the other. I was prepared on my trial with evidence to prove that Mr. Price was so pressed and distracted in mind that on the *morning of his death* he declared to a respectable manufacturer, (whose name is given in the *Addenda*,) that he had not been able to sleep for the last two or three weeks, and that he should be obliged to leave his country residence, and on the day before his death, he directed me to cast up both sides of the ledger; and after I had done so and struck a balance, he enquired how much he had to pay in course of that month—when finding that it was between 6 and £700 he sighed and said, “I dont know where its to come from: I can sell nothing and collect nothing.”

Such being the state of things, it is clear that I could have no benefit from burning a quantity of cotton

goods. I could get nothing for them—but not so with Mr. Price! he could get their value from the under-writers, which would be acceptable to one who could not collect or borrow money, and whose credit was exhausted! So circumstanced and having several payments to make without any legitimate means to meet them, it is possible (as I suggested in my defence) that a man in such a state of desperation might have ventured on such a scheme! That the warehouse was wilfully set on fire, must be taken as an admitted circumstance. I am sorry to put the question, but *forced* as I have been and still am, to investigate these unhappy matters, I would ask, who but Mr. Price could derive any emolument from an act of the kind!

Then as to the time and means of doing it, I have already shewn in my defence that I had no opportunity (if I had been so disposed) to accomplish such a tragedy! But not so with Mr. Price—he had the entire occupation of all the rooms—both servants gone to dinner and all the neighbouring warehouses in the same deserted; state consequently none could witness what he did! Here it may be asked, did he contemplate his own death? This question is answered (in page 60 of my defence) I shall, therefore, say no more on that point.

Before I conclude these observations, I shall revert to the omission by my council of upwards of twelve witnesses, whose testimony would undoubtedly have overcome the prejudices which have been so greatly excited against me. Had they gone through the whole of the defence, which was contained in their respective briefs, I should not have been compelled to perform the painful task of making this appeal. I don't, by any means, speak of their conduct with bitterness of adverse feeling, but with heart-felt regret. They conceived, no doubt, that their duty was sufficiently performed, when they had completely invalidated the accusation, for the support of which no ingenuity, no means, justifiable or unjustifiable, had been spared. They were little aware of the monstrous fact, that after I had been tried for my life, and acquitted by a jury of my country, I should still be treated as the worst of felons, a murderer! Their omission might also arise from the effect which the defence, as far as it went, had evidently made on the minds of the judge and the jury. From whatever

motive their conduct originated, to me it has been a source of regret, deep and unavailing.

I have already shewn in what manner, it is possible that my shirt might have been marked with one or two small spots of blood, after I had returned from my dinner, and I shall now offer additional evidence that I was not so stained, if stained at all, until my arrival at the warehouse. With respect to the blood on the cravat and collar, I had not worn those articles for several days, and they had been put in the bag on the Tuesday or Wednesday before Mr. Lavender found them, after I had been cut by Cornelius Aspinall, in shaving. These and other particulars will be found in No. 5. of the *Addenda*. That the marks on my coat are not those of blood, must be evident to any man of common sense, who is not pre-determined to imitate Mr. Lavender. He, out of his great wisdom and profound sagacity, made the wonderful discovery that these splashes, which he supposed, when before the Coroner, were produced by blood, had actually disappeared when he offered them for the inspection of the court on my trial. It is not in my power to offer the clothes to public view; for this zealous officer pertinaciously holds them in unjust and illegal possession; and why? because his discernment would be placed in a point of view of which he cannot be very covetous. Does he persist in maintaining really or only apparently that opinion? I dare him at once to produce them to public inspection. His conduct in this instance is consistent with his withholding Mr. Price's wig and clothes, because "it would spoil the prosecution," as he observed to the Coroner, whom he desired not to press Mr. Gresswell with any more questions respecting the agreement of the fireman's axe with the wound.

I now close the observations which have been painfully obtruded upon me. All that I request of the inhabitants of Manchester is barely to do as they would be done unto, and to judge of me and my conduct as they would wish to be judged. Make me debtor, as in a mercantile account, with every fact that has been proved against me, giving me credit for those on the other hand, and strike a *fair balance* according to that account. This is the whole of my reasonable request. I ask for no more.

JAMES EVANS.

## Addenda.

### No. 1.

#### Statement as to JAMES EVANS'S Conduct at Lancaster when taken to the Castle.

**CHRISTOPHER HINDE**, landlord of the Coach and Horses, in China-lane, Lancaster, says, that the day **KILBIE**, the beadle, brought **JAMES EVANS** to the Castle, they both came (direct from the coach) into his house, and sat in the kitchen. They complained of being cold, and ordered a pint of ale to be warmed, which was done, and Kilbie and Evans drank it. Evans was desirous of having some eggs boiled, and he desired Mrs. **HINDE** to get some for him. She went out and brought in one egg only, for which she had paid either three-half-pence or two-pence—it was boiled, and eaten by Evans.—Kilbie wished to go, but Evans desired him to stop a little, and ordered another pint of cold ale of which only one small penny glass was drunk, and the remainder was left in the jug on the table, and Evans and Kilbie went out at the back door, to go to the Castle. Before they went Evans complained of being too heavily ironed, and also said to Kilbie, “I hope you will speak nothing but what is right on my trial;” and Kilbie said he would not.—Kilbie and Evans had conversation in a low tone of voice, and could not be heard by any one in the kitchen. They appeared to be on good and friendly terms—neither Kilbie nor Evans had any sort of spirit in his house.

**MARY HINDE**, wife of the above Christopher Hinde, **ADAM TEBAY**, of Lancaster, butcher, and **GEORGE SMITH**, of Lancaster, saddler, give the like account.

## No. 2—Mrs. MARY NELSON'S Letter.

“To the Editor of the Manchester Gazette.”

“SIR,—I feel myself called upon by the letter of Mr. William Gibson, which appeared in your paper of Saturday last, to state, that notwithstanding his Declaration, I am still (as I was at the trial of James Evans) perfectly satisfied that I saw the late Mr. Price, at the time and place I stated in my evidence; and the following narrative of Facts confirms me in that respect.—After I had seen him I went home, but my husband had dined and returned to his work. Having dined, I went a little before two o'clock to meet a person to whom I had some money to pay at the Bridgewater Tap Room; soon afterwards there was an alarm of fire. Horses were brought up the yard to take one of the fire-engines to Marsden-square; from thence I went to the shop of Mr. Smith, bread-baker, Market-street, and while I was there a person supposed to be much hurt or killed at the fire was carried towards the Infirmary, and on hearing that it was Mr. Price's body, I exclaimed in the hearing of a woman in the shop, “Good God! surely that cannot be him. I saw him very lately,” or words to that effect; but finding it was true, I felt a considerable shock, and went home with what I had purchased (that is some bread and butter): on my way, I was obliged to take shelter, owing to a heavy storm of rain and hail. In the course of that afternoon, I heard that Mr. Price was dead; conversed with my neighbours, Mrs. Barns and Miss Hough her sister, upon the subject, being a matter of great surprise, as I had seen him so very lately. On the following day (Saturday) I went to the shop of Mr. Dorrington, in Exchange-street, when I again mentioned that I had seen Mr. Price the day before, and I certainly intended to have gone to the Police Office, but a tradesman, whose name I shall mention if required, came, and after asking me some questions as to what I had said at Mr. Dorrington's shop, told me I must be mistaken, for Mr. Gibson was ill at home in the country all that forenoon, and would not have been in town but on account of the fire; this I afterwards found to be a falsehood! These circumstances are so impressed upon my mind, that I am quite sure there could be no mistake on my part. How far Mr. Gibson, who was busily employed at an Annual Meeting, within three or four

yards of the lobby door, can take upon himself to fix the precise time he was in the Committee Room, (viz.: from half-past twelve till a quarter-past one) or that he did not see Mr. Price that day, are matters for his consideration. Seeing Mr. Price at that time, was not a matter of such novelty as would then attract his notice, for they were in the regular habit of seeing each other many times in a day, and therefore might have escaped his observation, but not so with me.—How far Mr. Gibson (in case he had been cross-examined as I or his son was) could have sustained his credit, must be a matter of conjecture. His son (being called to contradict me) swore that his father was in the Committee Room, and could not go to the lobby without coming through the front office, which all who know the place must consider as incorrect, for there are three doors; one to the front room, a second to the centre office, and a third to the Committee Room, and he could go through either of the two last-mentioned doors from the Committee Room to the passage, without going through the front office.

Shortly before the Assizes, I was applied to, on behalf of the prisoner, in consequence, as I understood, of what had passed at Mr. Dorrington's shop; when I gave the same account as I do now.

I am no relation, or any wise connected, or even acquainted with James Evans, and I had no interest to serve by the statement I made: on the contrary, my going to Lancaster was a matter of inconvenience to me and my family.

I wish it to be remembered, that what I said at Smith's shop, and to Mrs. Barns and Miss Hough, on the day of Mr. Price's death, as well as what I said on the following day at Mr. Dorrington's, happened before I had any reason to expect I should be called on as a witness for either side, and therefore I leave the public to judge on what side the truth and probability lies.

I consider it a great cruelty that I should be thus attacked, when Mr. Price being alive between twelve and one o'clock was so often mentioned by several other witnesses to Mr. Lavender, before the Coroner's inquest took place; and so distinctly proved by some of them on the Trial, as will be seen in Mr. Pratt's Report of the Trial, which I earnestly hope the public will read and judge for themselves.

MARY NELSON."

## No. 3—Mr. MATTHEW CORBETT's Letter:

“ James Evans,

I have been an attentive observer of passing events. I have carefully considered the Evidence which was produced at thy Trial. I am fully satisfied with the sentiments of the venerable Judge, and the verdict of the Jury. I may go further and say, I solemnly believe that no murder was committed on the person of the late Thomas Price.

May this affecting case be a means of turning thee towards the paths of Virtue and Religion.

I believe I am quite unknown to thee as thou art to me.

The weight of prejudice which has accumulated, must take a long time to remove, or much to lessen.

I have the pleasure to say, that a few of those, whose judgment I esteem, and who have seriously attended to the case, are of my sentiments.

A lover of Justice.

MATTHEW CORBETT.

4th. Mo. 7th. 1826.

## No. 4.—Copy of Two BILLS OF EXCHANGE alluded to.

No. 33. £84 4 6.

Manchester, 10th. March, 1823.

Three Months after date pay to the Order of myself  
Eighty Four Pounds Four Shillings and Sixpence, value received.

THOMAS PRICE.

To Mr. John Cox,  
London.

No. 151. £100.

Manchester, 28th. July, 1823.

Three Months after date pay to the Order of myself One  
Hundred Pounds, value received.

THOMAS PRICE.

To Mr. John Cox,  
London.

And across each bill the acceptance is written in red ink, and stands,—  
“ Accepted Jno. Cox, payable at Curries, Raikes and Co., Bankers, London.”

Abstracts of some of the Evidence in attendance, but not called by the Counsel for the Defence.

MR. JOHN PRICE, clerk to Messrs. E. Foulkes and Sons, served a Notice on Mr. Lavender to produce on the Trial the hat, wig, clothes and linen, which Mr. Price wore on the 3rd. of February; likewise to produce the warehouse books, the policy of insurance, &c.

MR. JOHN MURRAH WILKINSON, salesman to Mr. Edelston, saw Mr. Price about eleven o'clock on the 3rd. of February, in Cannon-street, crossing towards Marsden's Square; and having lived on the opposite side of Marsden Square a year and a half, he knew Mr. Price perfectly well. This circumstance he mentioned to Mr. Hardman, after the fire, and stated his willingness to go to the Police, but understanding that other people had seen him at a later period he did not go of his own accord.

MR. BATMAN, of the firm of Heywood and Batman, was at the warehouse between twelve and one o'clock, when he bought a piece of velvet from the prisoner. He saw no blood on his linen, nor any thing singular, or out of the way, in his appearance, dress, or conduct, but what was tradesman-like.

MR. JOSEPH ENTWISTLE, warehouseman to Mr. W. Turner, was at the warehouse about or between a quarter and five minutes of one o'clock, on the 3rd. of February. He saw the prisoner, who came out of the counting-house into the grey-room, and asked him if Mr. Price was in, to which he replied "no, sir, he his not; but I expect him in shortly." At this time Mary Price was in the grey-room, sitting at her table. He observed nothing in the conduct, dress, or appearance to the prisoner, different from what he had seen at other times.

MR. JOHN GIBSON,\* who was in the counting-house of his brother, Mr. William Gibson, would have deposed to the circumstance of the person's bleeding, as mentioned in the Report, (page 16,) and that the person had broken one of the panes of the window in order to put his head through; that at that time there was a

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\* This witness deposed to all the above facts, but was not in attendance at Lancaster, on account of the absolute necessity of his being at the bank.



strong altercation between the firemen; a constable and a gentleman, surrounding one of the engines; that many stones, and a piece of iron, were thrown at the window; that Mr. Ransome put his fingers into the wound, and observed it was a thin skull; and that he himself believes the wound to have been made by a sharp instrument and at one blow. The fracture was on the left side of the head, which was uppermost when the body was discovered; that there was no blood on the hands, or waistcoat which was black or on the breeches which were dark drab.

CORNELIUS ASPINALL frequently shaved the prisoner, and did so on Tuesday or Wednesday, the first or second of February, When the prisoner was shaved he generally bled pretty freely, and would have nothing put to stop it, observing, that it would perhaps do the pimples good to let them bleed, and placed his handkerchief against them. He believes he bled on the last occasion; it was very difficult to shave him without producing blood.

MR. ALEXANDER JACOBS, of Cannon-street, and Bank Parade, Salford, saw Mr. Price on the morning of the 3rd. of February, and walked with him from Bank Parade in company with Mr. Barton. The conversation turned upon the times, when Mr. Price complained that he had not been able to sleep for the last fortnight, or three weeks, and also complained of the distresses of the times.\* He sent two pieces by Thomas Ashley to Mr. Price's warehouse, to be dyed.

THOMAS ASHLEY delivered those pieces to the prisoner in the presence of the woman, Mary Price, about eleven o'clock, on the 3rd. of February.

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\* I cannot avoid reminding MR. COWARD, of the remainder of the conversation to which he deposes in page 52 of the Report, as his memory did not seem very tenacious on the Trial. When that conversation took place, I had been engaged in casting up the accounts and had just informed Mr. Price how much we had to pay that month. Mr. Price then said, (as he was going into the counting-house,) "I do not know how it is with you, Coward, but my Bankers are down upon me; I have been to the bank with Bills of about £ 400; and out of that they have returned one of £ 250, which they will neither place to account, nor advance upon. I have a great deal of money to pay this month, and I do not know where it is to come from, for I can get nothing in."

By referring to the rough Cash Book, Mr. Price's own hand-writing, confirmatory of the above statement, will be found. Mr. Coward can also probably explain why Mr. Price, the two previous evenings, had told him that he could not have tea in his (Price's) warehouse any longer than that week. Mary Price, who used to prepare the tea for them, was present on one occasion, and of the other I had informed her on the Thursday morning, when her reply was, "I am glad of it"

MRS. FRANCES BUCKLEY, of Lower Byrom-street, saw the prisoner coming up the flags at his usual pace, about a quarter-past one by St. John's clock, and go into his Father's house. She was at the top of the steps, about three or four yards from the prisoner, and had a full view of his face and dress, on no part of which did she see any thing like blood. About half an hour afterwards she saw the prisoner going down Byrom-street, and Gartside-street, towards Bridge-street, and saw no difference or alteration in his dress or appearance.

MR. JOHN MACFARLANE, machine maker, was on business in Marsden Square, and perceiving the fire, went to render his assistance. He went into the room where the body was found; it was full of smoke, so dense that a person could not well enter and find his way. Several of the firemen were in, and all was in confusion. He went down stairs and informed Mr. Arrive who was in the Committee room. That Gentleman who is his employer, directed him to return and assist to preserve the goods. He accordingly went up and gave directions respecting the pieces, but owing to the bustle, the directions were not properly attended to. He again went into the room where the body was found, and was a tall fireman with something like a staff in his hand, which might be an axe. Immediately after this, some one exclaimed "here is Mr. Price," and at the same moment a voice said, "hold, don't," or something to that effect. After this, witness went down stairs and informed Mr. Arrive that the body was found, and waited until it was brought down. Mr. Macfarlane examined the face minutely, and it is the firm impression on his mind, that he saw a slight convulsion, and he mentioned it to Mr. Arrive. Two Gentlemen stood on the opposite side, and he heard them say, that they thought he was still alive. Mr. Macfarlane strongly recommended that the body should be laid on the counter of the Savings' Bank and a Surgeon sent for. This advice was over-ruled. He offered to assist in carrying the body to the Infirmary, and took hold of the left arm, his own hands were blooded, and the sleeves of his coat retained marks of blood for some days. Mr. Price's hands had no blood upon them. He worked the fingers backwards and forwards; they were neither cold nor stiff, but perfectly supple. He was in the

room when the body was examined at the Infirmary, and heard Thompson (a witness for the prosecution) say to the tall fireman above-mentioned, "It was well I stopped you," or words to that effect. Mr. Ransome said, the wound might be from a fall, and he (Macfarlane) informed Mr. Ransome, that he thought he had perceived him breathe, when first brought down into the room. Mr. Ransome said it might be from the quantity of smoke that he had swallowed. He then went back to the Savings' Bank, and while there, a short fireman came to enquire for his axe. He said, 'has any body seen an axe?' Macfarlane cannot tell whether he found it or not, as he took no further notice of him.

[The following Advertisements, which appeared in all the Manchester Papers, are introduced here merely with a view to shew the meanness of the artifices employed against me. My enemies it appears do not regard *forgery* as a crime.]

(COPY.)

"**JAMES EVANS.**—A report having been circulated, that James Evans (lately brought before the Public on a serious charge) is in our employ, we beg to certify that there is no foundation for such a report.

March 31st, 1826. **M. and R. Holt, Dyers, Hulme."**

(COPY.)

"**WHEREAS** an advertisement, purporting to be with our signatures or firm, and stating that a report which had been circulated of James Evans being in our employ was false, appeared in the last Saturday's papers—now we do hereby declare, that the above publication was made without our knowledge or consent, and that we are sorry and surprised that such an unwarrantable liberty should have been taken with our names.—

Dated 6th. April, 1826.

**Hulme Dye Works. M. and R. Holt."**

